REMARKS

Summary

Claims 17-28 were pending; Claims 21, 22, 25 and 28 have been withdrawn, and Claims 17-20, 23, 24, 26 and 27 were rejected in the present Office action. Claim 17 has been amended. No new matter has been added. The Applicant respectfully traverses the rejections.

Claim Rejections

35 U.S.C. § 102 (b)

Claims 17-20 and 26-27 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Nobuaki et al. (JP2000047199; "Nobuaki"). Claim 17 has been amended to more fully describe the subject matter. The Examiner has provided a machine translation of the reference, whose accuracy is explicitly denied on its face (see *NOTICES*). According to MPEP §706.02 II, a foreign language document, particularly when the full text is relied upon, should not be used to make a rejection without a translation thereof being provided. In the event that the Examiner intends to maintain the rejection, a translation of the document is respectfully requested. Notwithstanding the fact that the Applicant is fluent in Japanese, the Examiner's use of a potentially inaccurate machine-translated version of an application in a final rejection creates an undue burden on the Applicant to provide a translation of the entire reference in order to provide a proper file history, as well as to make any further traverse of the rejection. The Applicant therefore respectfully traverses the new rejection made by the Examiner on the basis of the cited art.

However, in order to expedite the issuance of a patent, Claim 17 has been further amended. The Applicant respectfully submits that this limitation is not found in the cited reference, and that the claim is not anticipated. The Applicant respectfully submits that this amendment places the application in condition for allowance. Support for this amendment is found on page 12, lines 17-26, in the specification.

Claims 18-20 and 23-27 are claims dependent on an allowable independent claim and are allowable, without more.

35 U.S.C. § 103 (a)

Claims 23 and 24 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Nobukai in view of Akins et al. (US 6,285,425; "Atkins"). The Applicants respectfully traverse this rejection as a *prima facie* case of obviousness has not been made out.

The Examiner has cited Nobukai as primary reference in the first sentence of Item 2 of the Office action, however, in the remainder of the item, what appears to be the primary reference is said to be Sasaki et al. The form of the statements made by the Examiner suggest that "Sasaki" is a typographical error, as none of the elements in Sasaki are cited, and this would mean that the Examiner has not made out a *prima facie* case of obviousness as not all of the elements and limitations of Claims 23 and 24 would have been shown to be taught by the references. Consequently this traverse presumes that the Examiner meant to apply Nobukai as the primary reference.

The Examiner accepts that Nobukai "fails to teach the reflector with the feature in claims 23 and 24", and depends on Akins to remedy the deficiency in the *prima facie* case. The first aspect cited, at col. 1 line 67 to col. 2, line 5 is contained in the background, is a general statement directed to a definition of terminology, and as it is not part of the disclosed invention, it is not enabled and does not constitute a teaching. As disclosed by Atkins (col., 5 lines 55-56), the "reflective metallic layer 578...will become discontinuous and; hence, light transmissive."

However, Nobukai is directed towards the manufacture of a reflective-type LCD, and the use of the light transmissive layer 578 does not remedy a problem recognized by either Nobukai or Atkins in a reflective-type LCD.

The Applicants respectfully submit that Examiner has improperly used hindsight to read the teachings of the present Claims 23 and 24 into the references. "Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor." *Para-Ordnance Mfg. v. SGS Importers Int'l*, 73 F.3d 1085, 1087, 37 USPQ2d 1237, 1239 (Fed. Cir. 1995) (citing *W.L. Gore & Assocs.,*

Cir. 1983)). "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the [specific] modification." No such showing has been made in the Office action and therefore Claims 23 and 24 are allowable.

Notwithstanding this traverse, the Applicants also maintain that Claims 23 and 24 are allowable, without more, as claims dependent on allowable Claim 17.

Rejoinder of Withdrawn Claims

Claims 21, 22, 25 and 28 had been withdrawn by the Examiner in accordance with election of species requirements. As Claim 17 is allowable, and the dependent claims are in proper form and dependent thereon, the Applicants respectfully request that the withdrawn claims be rejoined and allowed.

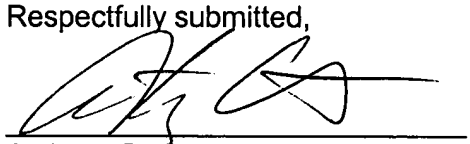
Conclusion

Claims 17-20 and 26-27 are pending. Claim 17 has been amended.

Applicants respectfully submit that all of the pending claims are in condition for allowance and seek an early allowance thereof.

The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,



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